

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:22-CR-96-MR-WCM**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>1) PATRICK MARTIN MAHSETKY, JR.,</b>	)	
<b>2) CHRISTINA LYNN BIGWITCH,</b>	)	
	)	
<b>Defendants.</b>	)	
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This matter is before the Court on the Government’s Motion for Court Appointed Guardian ad Litem Pursuant to 18 U.S.C. § 3509(h), (the “Motion,” Doc. 67), which is currently pending.

The Government has proposed that Mara Nelson serve as the Guardian ad Litem for R.B., the minor victim. The Government advises that Ms. Nelson previously appeared as R.B.’s Guardian ad Litem in the Tribal Court of the Eastern Band of Cherokee Indians.

A Guardian ad Litem appointed under Section 3509 “shall not be a person who is or may be a witness in a proceeding involving the child for whom the guardian is appointed.” 18 U.S.C.A. § 3509(h)(1).

It is not clear from the current record whether Ms. Nelson’s work, including any potential future work, on behalf of R.B. in Tribal Court would

conflict with this requirement, and thus prohibit her from appearing in the instant federal criminal case as R.B.'s Guardian ad Litem.

**IT IS THEREFORE ORDERED THAT:**

1. On or before January 29, 2025, the Government shall file either: 1) a brief or memorandum addressing the requirement that Ms. Nelson is not and will not be a witness in any proceeding involving R.B., OR 2) a supplement to the Motion proposing a different Guardian ad Litem, accompanied by a curriculum vitae or other information about that individual. Any filing made by the Government shall reflect Defendants' general position.
2. Should Defendants object to any position taken or request made by the Government, any responsive filing by Defendants shall be due no later than five (5) business days after the Government's submission is made.

Signed: January 23, 2025



W. Carleton Metcalf  
United States Magistrate Judge

